

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION  
(PCT Rule 61.2)

Date of mailing (day/month/year) 28 October 1998 (28.10.98)	To:  United States Patent and Trademark Office (Box PCT) Crystal Plaza 2 Washington, DC 20231 ÉTATS-UNIS D'AMÉRIQUE  in its capacity as elected Office
International application No. PCT/US98/03914	Applicant's or agent's file reference 2393/500
International filing date (day/month/year) 27 February 1998 (27.02.98)	Priority date (day/month/year) 28 February 1997 (28.02.97)
<b>Applicant</b> WILHOIT, Darrel, Loel et al	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

28 September 1998 (28.09.98)

in a notice effecting later election filed with the International Bureau on:

\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  Carine SEVILLANO  Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

From the  
**INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

To: RAYMOND W. GREEN  
 BRINKS HOFER GILSON & LIONE  
 NBC TOWER- SUITE 3600  
 455 NORTH CITYFRONT PLAZA DRIVE  
 CHICAGO, ILLINOIS 60611-5599

**PCT**

## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
*(day/month/year)*

**01 MAR 1999**

Applicant's or agent's file reference  
 2393/500

### IMPORTANT NOTIFICATION

International application No.	International filing date <i>(day/month/year)</i>	Priority Date <i>(day/month/year)</i>
PCT/US98/03914	27 FEBRUARY 1998	28 FEBRUARY 1997

Applicant

VISKASE CORPORATION

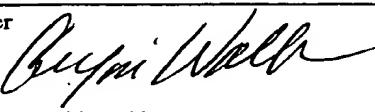
1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
 Commissioner of Patents and Trademarks  
 Box PCT  
 Washington, D.C. 20231  
 Facsimile No. (703) 305-3230

Authorized officer  
 JENNIFER DYE  
  
 Telephone No. (703) 308-0661

## PATENT COOPERATION TREATY

**PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2393/500	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US98/03914	International filing date (day/month/year) 27 FEBRUARY 1998	Priority date (day/month/year) 28 FEBRUARY 1997
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant VISKASE CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

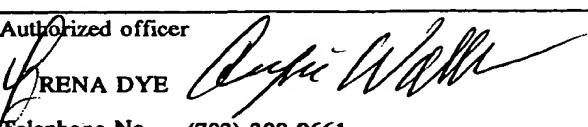
2. This REPORT consists of a total of 4 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 28 SEPTEMBER 1998	Date of completion of this report 19 FEBRUARY 1999
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer  RENA DYE Telephone No. (703) 308-0661

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

**I. Basis of the report**

1. This report has been drawn on the basis of (*Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments*):

the international application as originally filed.

the description, pages 1-50, as originally filed.

pages NONE, filed with the demand.

pages NONE, filed with the letter of \_\_\_\_\_.

pages           , filed with the letter of \_\_\_\_\_.

the claims, Nos. 1-45, as originally filed.

Nos. NONE, as amended under Article 19.

Nos. NONE, filed with the demand.

Nos. NONE, filed with the letter of \_\_\_\_\_.

Nos.           , filed with the letter of \_\_\_\_\_.

the drawings, sheets/fig 1-3, as originally filed.

sheets/fig NONE, filed with the demand.

sheets/fig NONE, filed with the letter of \_\_\_\_\_.

sheets/fig           , filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

the description, pages NONE.

the claims, Nos. NONE.

the drawings, sheets/fig NONE.

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the **Supplemental Box**. Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

**V. Reasons statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed polymer blend of at least three copolymers comprising: a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α-olefin; a second polymer having a melting point between 85 to 110° C comprising a copolymer of ethylene and at least one α-olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer.

Claims 11-36 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed thermoplastic film having at least one layer comprising a blend of at least three polymers comprising: a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α-olefin; a second polymer having a melting point between 85 to 110° C comprising a copolymer of ethylene and at least one α-olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer.

Claims 37-45 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed process for making a biaxially stretched, heat shrinkable film comprising the step of extruding a melt plastified primary tube comprising a first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α-olefin; a second polymer having a melting point between 85 to 110° C comprising a copolymer of ethylene and at least one α-olefin; and a third polymer having a melting point between 115 to 130°C comprising a thermoplastic polymer; and optionally a fourth polymer having a melting point between 80 to 105° C.

Claims 1-11 meet the criteria set out in PCT Article 33(4) because the claimed polymer blend is useful in making films.

Claims 12-36 meet the criteria set out in PCT Article 33(4) because the claimed thermoplastic film is useful in making packaging for food products.

(Continued on Supplemental Sheet.)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/03914

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): B32B 1/08, 7/12, 15/04, 27/32 and US Cl.:

428/34.9, 35.2, 35.4, 35.5, 212, 220, 515, 516, 517, 518, 519, 520, 521, 522, 523

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Claims 37-45 meet the criteria set out in PCT Article 33(4) because the claimed process is useful in making a biaxially stretched, heat shrinkable film.

**----- NEW CITATIONS -----**

***FOR THE PURPOSES OF INFORMATION ONLY***

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MW	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MX	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakhstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US98/03914

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(6) :B32B 1/08, 7/12, 15/04, 27/32

US CL :428/35.7, 35.9, 343, 345, 349, 354

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 428/35.7, 35.9, 343, 345, 349, 354

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

APS, MAYA

search terms: ethylene, thermoplastic, melting, mp

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,358,792 A (MEHTA et al.) 25 October 1994, see entire document.	1-45
Y	US 4,640,856 A (FERGUSON et al.) 03 February 1987, see entire document.	1-45
Y	US 4,837,084 A (WARREN) 06 June 1989, see entire document.	1-45
Y	US 4,457,960 A (NEWSOME) 03 July 1984, see entire document.	1-45
Y	US 5,562,958 A (WALTON et al.) 08 October 1996, see entire document.	1-45
Y	US 5,593,747 A (GEORGELOS) 14 January 1997, see entire document.	1-45

 Further documents are listed in the continuation of Box C. 

See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
* "A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
* "E" earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
* "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Z"	document member of the same patent family
* "O" document referring to an oral disclosure, use, exhibition or other means		
* "P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

25 APRIL 1998

Date of mailing of the international search report

23 JUN 1998

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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US98/03914

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 4,207,363 A (LUSTIG et al.) 10 June 1980, see entire document.	1-45
Y	US 5,376,439 A (HODGSON et al.) 27 December 1994, see entire document.	1-45
Y	US 4,247,584 A (WIDIGER et al.) 27 January 1981, see entire document.	1-45